

SENATE BILL 1789

By Haile

AN ACT to amend Tennessee Code Annotated, Title 36,  
Chapter 5, relative to noncompliance with child  
support obligations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-5-701, is amended by adding the following as a new, appropriately designated subdivision:

( ) "Restricted license" means a license that allows a person to operate a motor vehicle for the limited purposes of going to and from and working at the person's regular place of employment;

SECTION 2. Tennessee Code Annotated, Section 36-5-702(a), is amended by deleting the language "denial, or suspension" and by substituting instead the language "denial, suspension or restriction".

SECTION 3. Tennessee Code Annotated, Section 36-5-702(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) The obligor may:

- (A) Request an administrative hearing to contest the issue of compliance;
- (B) Request an administrative hearing to establish the obligor's eligibility for a restricted license; or
- (C) Contact the department to make an arrangement for the payment of the arrears that is satisfactory to the department;

SECTION 4. Tennessee Code Annotated, Section 36-5-702(b)(6), is amended by deleting the language "or refuse to issue or reinstate a license" and substituting instead the language "refuse to issue or reinstate a license or issue a restricted license".

SECTION 5. Tennessee Code Annotated, Section 36-5-703(a), is amended by deleting the following language: “to contest the department's intention to issue a finding of noncompliance to a licensing authority” and by substituting the following:

to contest the department's intention to issue a finding of noncompliance to a licensing authority or to establish the obligor's eligibility for a restricted license

SECTION 6. Tennessee Code Annotated, Section 36-5-703(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) The only issues for consideration at the administrative hearings shall be:

(1)

(A) Whether the licensee is an obligor required to pay child support under an order of support;

(B) Whether the obligor is not in compliance with the order of support; and

(C) Whether good cause exists in that case as to whether the sanctions of this part should be imposed; or

(2) Whether the obligor is eligible for a restricted license.

SECTION 7. Tennessee Code Annotated, Section 36-5-703, is amended by adding the following new subsection:

(e)

(1) An obligor who is not in compliance with an order of support shall be eligible for a restricted license if:

(A) The obligor is employed for at least thirty (30) hours per week;

(B) The obligor's place of employment is located more than one (1) mile from the obligor's place of residence; and

(C) The obligor's employment can reasonably be expected to contribute to bringing the obligor into compliance with the support order.

(2) Upon finding that an obligor is not in compliance with a support order but is eligible for a restricted license, the department shall notify the department of safety of such finding pursuant to § 36-5-705.

(3) If the department finds the obligor eligible for a restricted license, the obligor shall remain eligible for six (6) months from the date of the decision. The obligor shall be required to prove eligibility for a restricted license every six (6) months at an administrative hearing until the obligor is in compliance with the support order.

(4) If the department finds that the obligor is ineligible for a restricted license, the obligor shall be subject to license revocation pursuant to this part.

(5) Nothing in this subsection (e) shall prohibit a licensing authority from denying, suspending or revoking any license other than a license to operate a motor vehicle when an obligor is found eligible to receive a restricted license.

SECTION 8. Tennessee Code Annotated, Section 36-5-704(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) If an obligor timely requests a hearing to contest the issue of compliance or establish eligibility for a restricted license, or files a motion to modify support or requests that the support obligation be amended as provided in § 36-5-710, the department shall stay the action and may not certify the name of the obligor to any licensing authority for noncompliance with an order of support until the department issues a written decision after a hearing that finds the obligor is not in compliance with an order of support, ineligible for a restricted license or until the motion to modify or request to amend is decided, as the case may be; provided, that after a decision by the department has been made in the form of a final order as provided in § 4-5-315, there will be no further stay unless a reviewing court issues a stay.

SECTION 9. Tennessee Code Annotated, Section 36-5-705, is amended by redesignating the current language as subsection (a) and by adding the following subsection (b):

(b) The department shall certify in writing or by electronic data exchange to the department of safety that an obligor is not in compliance with an order of support but is eligible for a restricted license if the department issues such a decision after a hearing on the matter.

SECTION 10. Tennessee Code Annotated, Section 36-5-705, is further amended by deleting subdivision (a)(3) and by substituting instead the following:

(3) The department issues a decision after a hearing that finds the obligor is not in compliance with an order of support or the obligor is ineligible for a restricted license; or

SECTION 11. Tennessee Code Annotated, Section 36-5-706, is amended by deleting subsection (a) and by substituting instead the following:

(a) Notwithstanding any other law, rule or regulation to the contrary, the certification from the department under § 36-5-705 shall be a basis for the denial, suspension or revocation of a license, for refusal to issue or reinstate a license by a licensing authority or for the issuance of a restricted license.

SECTION 12. Tennessee Code Annotated, Section 36-5-706(b), is amended by deleting the language “suspended or revoked” and by substituting instead the language “suspended, revoked or restricted”.

SECTION 13. Tennessee Code Annotated, Section 36-5-706(d), is amended by deleting the word “revoke” and by substituting instead the language “revoke, restrict”.

SECTION 14. Tennessee Code Annotated, Section 36-5-707, is amended by deleting the word “revocation” wherever it appears and by substituting instead the language “revocation, restriction”.

SECTION 15. Tennessee Code Annotated, Section 36-5-707, is further amended by deleting the word “revoked” in subdivision (b)(1) and substituting instead the language “revoked, restricted”.

SECTION 16. Tennessee Code Annotated, Section 36-5-711, is amended by deleting the language “suspended” and by substituting instead the language “suspended, restricted”.

SECTION 17. This act shall take effect July 1, 2014, the public welfare requiring it.